

Jordan E. Tannenbaum
Vice Chairman

Reid J. Nelson
Executive Director, Acting



August 19, 2021

The Honorable Nancy Pelosi
Speaker of the House of Representatives
U. S. House of Representatives
Capitol Building
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Capitol Building
Washington, D.C. 20515

Dear Madam Speaker and Minority Leader McCarthy:

Acting as chairman of the Advisory Council on Historic Preservation (ACHP) during that position's current vacancy, I am writing to address issues regarding the preservation of historic properties that are addressed in or omitted from the Infrastructure Investment and Jobs Act (H.R. 3684) as passed by the Senate. Established by the National Historic Preservation Act (NHPA) of 1966, the ACHP is the independent federal agency charged with advising the President and Congress on matters relating to historic preservation. The ACHP understands that the precise trajectory of H.R. 3684 in the House has not yet been determined and that a conference committee to examine differences between the House and Senate versions of H.R. 3684 is not a given. However, the ACHP would like to offer the following comments for consideration should a conference committee be convened as well as during discussions on the budget reconciliation package currently under consideration.

Historic Preservation Fund. The House version of H.R. 3684 (but not the Senate version) would permanently authorize the Historic Preservation Fund (HPF) and would double its funding cap to \$300 million, both actions that the ACHP supports. Current authorization for the HPF, which provides funding for State and Tribal Historic Preservation Offices (SHPOs/THPOs) and a number of competitive preservation grant programs, will end in 2023. An increase in the HPF funding limit would be the first in 30 years and would be both timely and appropriate. The scale of infrastructure investment that will result from H.R. 3684 will result in a myriad of projects, many of which will require review by SHPOs and THPOs pursuant to Section 106 of the NHPA. Raising the funding cap on the HPF would untie the hands of congressional appropriators in addressing needed support for SHPOs and THPOs, which will help to enhance the efficiency and effectiveness of infrastructure and other reviews.

Cultural Resource Mapping and Digital Information. An increased funding limit for the HPF also would expand options for funding the development of GIS mapping and electronic records of cultural resources developed by SHPOs and THPOs in order to better inform and facilitate the federal project planning process. Access to current, accurate digital information about where historic properties are located can greatly increase the efficiency of environmental reviews, including reviews carried out under Section 106, for infrastructure projects. As federal agencies begin work with states, tribes, and other community stakeholders to review many more needed federally assisted and permitted infrastructure projects, digital tools can help speed project delivery while taking into account our nation's diverse historic resources.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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While the HPF might be one source of funding for cultural resources mapping and digitization efforts, infrastructure-specific funding would also present a timely and appropriate opportunity to improve these systems. The ACHP encourages consideration of targeting resources in H.R. 3684 or through the budget reconciliation package to support state and tribal GIS and digital database development and expansion. The ACHP will be contacting Congress in separate correspondence regarding the importance of cultural resources digitization funding to facilitating environmental reviews for infrastructure projects.

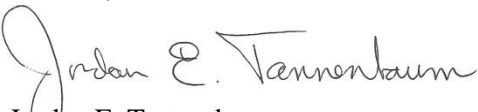
Transportation Alternatives Funding. The ACHP supports significant increased funding for the Transportation Alternatives Program, as called for in both the House and Senate versions of H.R. 3684. Historic preservation and archaeology-related projects that are transportation-related are eligible to receive such funds. While recent use of Transportation Alternatives funds for preservation is not as high as it once was, it remains an important source of federal funding for historic preservation.

Context Sensitive Design. While not included in the Senate version of H.R. 3684, the House version would require that the Department of Transportation (DOT) ensure plans and specifications for highway projects take into consideration context sensitive design principles. The bill would require DOT to publish guidance on context sensitive design, including best practices and model policies, to assist state and local governments. The ACHP supports the inclusion of context sensitive design provisions in H.R. 3684, which would encourage effective planning for historic properties in the vicinity of highway projects. Likewise, requiring context sensitive design would advance consideration of the overall character of neighborhoods and landscapes and the views of the people who care about these environments.

Historic Tax Credit Growth and Opportunity (HTC-GO) Act (S. 2266/H.R. 2294). In the 116th Congress, the House included improvements to the existing rehabilitation tax credit for income-producing historic properties in the Moving Forward Act that passed the House in July 2020. These and similar provisions are embodied in the current Historic Tax Credit Growth and Opportunity (HTC-GO) Act (S. 2266/H.R. 2294). The proposed suite of temporary and permanent enhancements would promote economic recovery, incentivize smaller projects, encourage pairing of the credit with the Low-Income Housing Tax Credit, and make use by nonprofits easier. All of these changes would further augment the rehabilitation tax credit's already considerable impact as a catalyst for the preservation of historic properties. If it is not feasible to consider including these provisions to H.R. 3684, the ACHP urges addressing them as part of the budget reconciliation package.

Please feel free to contact me if the ACHP can be of any assistance during further consideration of H.R. 3684 and the budget reconciliation package, or your staff may wish to follow up with acting ACHP Executive Director Reid Nelson at rnelson@achp.gov. Thank you.

Sincerely,



Jordan E. Tannenbaum
Vice Chairman